

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 04/22/2022**

DESHAWN DANIEL,

Plaintiff,

v.

CITY OF NEW YORK,

Defendant.

18-CV-3717 (RA)

ORDER ADOPTING REPORT
AND RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

Now before the Court is Magistrate Judge Gorenstein’s March 25, 2022 Report and Recommendation (the “Report”), which recommends that the Court enter an order dismissing Plaintiff’s claims in this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). Because Plaintiff is now proceeding *pro se*, a copy of the Report was mailed to him at his address on file with the Court, which was provided by Plaintiff’s former counsel as Plaintiff’s last-known address. On April 7, 2022, that mailing was returned as undeliverable.¹ The parties have not filed any objections to the Report.

“When the parties make no objections to [a] Report, the Court may adopt the Report if there is no clear error on the face of the record.” *Galeana v. Lemongrass on Broadway Corp.*, 120 F. Supp. 3d 306, 310 (S.D.N.Y. 2014) (internal quotation marks omitted). Having reviewed the record for clear error, and having found none, the Court adopts Judge Gorenstein’s Report in its entirety.

¹ Although the unsuccessful mailing suggests that Plaintiff may not have received a copy of the Report, the Report explains that Plaintiff was notified of previous orders warning him that his claims may be dismissed if he did not attend certain hearings, and that Plaintiff informed his former counsel that he would not be attending at least one of those hearings.

Accordingly, it is hereby ordered that Plaintiff's claims are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The choice not to file written objections waives appellate review of this decision. *See United States v. James*, 712 F.3d 79, 105 (2d Cir. 2013). The Clerk of Court is respectfully directed to close this case and to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: April 22, 2022
New York, New York



Ronnie Abrams
United States District Judge